

ARTICLE APPEARED  
ON PAGE 4-20

NEW YORK TIMES  
22 December 1983

## Letters

# Reagan's Necessary and Reasonable Directive 84

To the Editor:

Townsend Hoopes's exhortation to "Block Reagan's Crude Attempt at Censorship" (Op-Ed Dec. 8) was itself little more than a crude attempt to frighten the American public into opposing the only reasonable solution to the problem of unauthorized disclosure of classified information.

Mr. Hoopes begins his piece by ignoring the existence of any problem. President Reagan's Directive 84 to safeguard national security is, he asserts, simply the product of "right-wing zealotry." He goes on to describe how the directive would "repress or gravely distort First Amendment freedoms."

Specifically, Mr. Hoopes writes that a "nit-picking" pre-publication review procedure will lead to "paralyzing delays in the publishing process" that will wither the incentive to write and publish political works, "blatantly kill a book," or lead to the forced publication of views "sanitized" by the Government.

Worst of all, Mr. Hoopes states, the directive would impose "a lifetime sentence" of censorship on Government employees and would "create a comprehensive system of prior restraint without precedent ... [and] without ... justification ... [thereby] mark[ing] the beginning of an expansion of the Government's power to censor, which could be unlimited."

Fortunately, Mr. Hoopes's sinister characterization of the Administration's motives, together with his Orwellian reading of Directive 84, do not comport with either reality or with the directive's actual provisions.

At least since 1940, Presidents have

regularly issued a variety of executive orders to safeguard national security information. In more recent times, Congress has also addressed the problem. For example, during the Carter Administration, the Senate Select Committee on Intelligence concluded that "there has been a major failure



Juan Crispinera

on the part of the Government to take action in leak cases ... even where a leak clearly violated an existing statute and caused serious harm to national security."

Rather than being the product of "right-wing zealotry," therefore, the President's directive is in line with historical precedent as well as his constitutional responsibility to protect military and diplomatic security.

As for the pre-publication review procedure that Directive 84 would establish, the following facts need to be noted:

- The Supreme Court has already upheld the constitutionality of pre-publication review for C.I.A. employees, in *Snepp v. United States* (1980).

- Contrary to Mr. Hoopes's allegation, employees covered by this agreement will not have to submit for review everything they write for the rest of their lives. Only materials that include sensitive information relating to specific intelligence matters will have to be submitted.

- Only classified information can be deleted under this program. Judicial review is provided, and the Government must be able to prove in court, before a neutral and disinterested judge, that every word it wants to delete is properly classified.

- The procedure will not cause undue publishing delays. The agreement employees will have to sign requires review to be conducted in 30 days as a maximum. Last year, according to a Government spokesman, the C.I.A. conducted 213 such reviews and completed them in an average of 13 days. For authors working on shorter deadlines, reviews have been conducted in a matter of hours.

- This program will not prevent former officials from giving speeches and press interviews or from appearing on talk shows. Pre-publication review does not apply to extemporaneous oral comments. Only if oral statements are given from a prepared text is there a requirement to submit for review. Thus, it is difficult to understand how Directive 84 can diminish the quality of public debate.

Mr. Hoopes's claim to the contrary notwithstanding, Presidential Directive 84 is in the public interest. The American people have little to fear and much to gain through its adoption.

MICHAEL P. McDONALD  
Washington, Dec. 13, 1983

The writer is general counsel for the American Legal Foundation.